IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

EASTERN DIVISION

No. 4:01-CR-1-1H No. 4:09-CV-173-H

ANTHONY ALSTON,)
Petitioner,)
)

v.)

UNITED STATES OF AMERICA,)
Defendant.)

This matter is before the court on petitioner's motion to withdraw and/or amend his petition. The court finds that under the circumstances presented, petitioner was entitled to amend his petition once as a matter of course at the time he submitted his motion to amend. Fed. R. Civ. P. 15(a)(1). Additionally, "the court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2).

Petitioner did not file a proposed amended petition. However, in deference to petitioner's pro se status, the court allows 30 days for petitioner to file an amended petition.

This $\frac{79}{100}$ day of October 2010.

Malcolm J. Howard

Senior United States/District Judge

At Greenville, NC #26